

Policy

Managing Unreasonable Conduct

Version 1.5

Adopted by Council at its meeting on Thursday 21 March 2019

Division:
Section:
File Reference:
Historical Reference:

General Manager
Human Resources
Council Policies/Protocols/Procedures
See Version Control

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Unreasonable Customer Conduct Policy

1 Background

When customers behave unreasonably with Council staff, their conduct can significantly impact a staff member's wellbeing and can affect successful outcomes for both the customer and other members of the community.

Council staff can spend disproportionate time resolving issues caused by unreasonable conduct and this reduces the time they have to assist other customers.

2 Policy Objective

The objective of this policy is to provide a framework for how Council will manage unreasonable customer conduct.

3 Purpose

Tweed Shire Council is committed to being accessible and responsive to all customers who approach Council for assistance or with a complaint.

At the same time, Council has an obligation to ensure:

- the health, safety and security of Councillors and staff,
- the efficient and effective delivery of services, and
- an equitable distribution of resources.

As a consequence, Council will take proactive and decisive action to manage customer conduct that impacts staff wellbeing and negatively or unreasonably affects its services to the community.

This policy complies with the WHS legislation and the NSW Ombudsman's guidelines.

4 Definitions

Customer – any person (other than Council staff) who enters Council premises, any person who corresponds with Council or Council staff, including in person, by email, telephone, and letter or through Council's website or social media pages, or who attends a Council event.

Council staff – any person employed by or engaged by Council. This includes Councillors, permanent employees, contractors, labour hire, temporary staff, and volunteers.

Council premises - includes Council owned and operated buildings and locations (such as work sites) where Council staff perform work duties.

Council events – any event (including information session, meeting, forum, workshop, exhibition, festival, community event, engagement event or special event) organised, hosted, sponsored or supported by Council.

Restricted access - involves the placing of restrictions with regard to how a person can communicate with Council for a specified period. Restrictions may include; ineligibility to address Council at Community Access meetings; prohibition on interviews with Council staff; restrictions on entering Council premises; or being restricted to written communication only.

Unreasonable conduct - is any behaviour which, because of its nature and/or frequency raises health, safety, resource or equity issues for Council staff.

5 Behaviours Constituting Unreasonable Customer Conduct

Council’s expectation is that all interactions will be based on mutual respect, honesty and courtesy.

A customer’s conduct is unreasonable when it deviates from this standard and has an unacceptable consequence or impact on others.

An individual’s right to access services, communicate with staff and access Council premises/facilities, may be restricted where their behaviour is unreasonable.

The following table explains and provides examples of the five categories of unreasonable customer conduct.

Type of Conduct	Definition	Examples
<p>1. Unreasonable persistence</p>	<p>Occurs where a customer will not be satisfied with the action taken or the service provided, despite the service or action being properly implemented and exhausted in accordance with the relevant Council policy/policies</p>	<ul style="list-style-type: none"> • Persistence in pursuing issues even though they have been dealt with to finality • Refusal to accept final decisions • Sending excessive amounts of correspondence
<p>2. Unreasonable demands</p>	<p>Occurs where demands are unreasonable , whether by the amount of information sought, the nature and the scale of services sought, or the number of approaches made</p>	<ul style="list-style-type: none"> • Directing how their complaint is to be handled • Insistence that Council respond to every point in their complaint, including trivial or irrelevant issues • Insistence on talking to a supervisor or senior manager personally because they do not

Type of Conduct	Definition	Examples
		<p>agree with Council's decision</p> <ul style="list-style-type: none"> • Demands for answers to questions that have already been responded to comprehensively or repeatedly • Repeated changing issue(s) or desired outcome(s) whilst matter is being processed • Insisting on outcomes that are unattainable
<p>3. Unreasonable lack of cooperation</p>	<p>Occurs where behaviour is obstructive or unhelpful to the resolution of the enquiry/issue.</p>	<ul style="list-style-type: none"> • Provision of disorganised, excessive or irrelevant information • Provision of little or no information in support of request • Refusal to comply with reasonable requests for information, or disregarding valid explanations • Being unwilling to consider other valid viewpoints • Refusing to define issues of complaint when they are capable of doing so
<p>4. Unreasonable arguments</p>	<p>Occurs where a customer holds conspiracy theories unsupported by evidence, irrationally interprets facts or laws and refuses to accept other more reasonable interpretations.</p>	<ul style="list-style-type: none"> • Seeing cause and effect arguments where there are none • Holding conspiracy theories unsupported by evidence • Making unsubstantiated allegations

Type of Conduct	Definition	Examples
<p>5. Unreasonable behaviours</p>	<p>Includes, but is not limited to rudeness, anger, aggression, harassment, threats or physical violence.</p>	<ul style="list-style-type: none"> • Rude, angry or harassing behaviour • Threats and/or abuse (verbal or physical). • Intimidation

6 Response to Unreasonable Customer Conduct

Council has a duty of care to ensure the health, safety and wellbeing of its staff and customers.

Unreasonable customer conduct is sometimes associated with mental illness. Dealing with people with a mental illness requires extra sensitivity however their conduct can generally be dealt with in the same way as anyone else's. Council will consider each case on its individual merits.

Where a staff member feels they (or other customers) are being adversely impacted by unreasonable customer conduct, they have the right to conclude the interaction. This may be done by:

- removing themselves from the situation
- terminating a phone call
- advising that no further assistance can be provided
- escalating the matter to a supervisor
- requesting the customer leave Council's premises
- having the customer removed from Council premises (which may include police involvement)

All incidents of unreasonable customer conduct will be documented and escalated to management for formal reporting purposes and possible further action.

Significant or repeated incidents of unreasonable customer conduct may result in the issuing of written warnings or the placing of time bound restrictions on how a customer can communicate with Council.

Restrictions may include actions such as being restricted to written communication only, prohibition on interviews with Council staff, ineligibility to address Council at Community Access meetings; or restrictions on entering Council premises. Depending on the situation one or more restrictions can be applied.

In determining whether restrictions are justified Council will consider each case on its individual merits.

In addition to restrictions other actions such as police involvement, or legal action can be considered where appropriate.

Where it is determined that restrictions should be applied the customer will be:

- placed on the Restricted Access Register
- notified in writing of the determination, including details of and duration of the restrictions proposed,
- provided with the opportunity to make a written submission to the General Manager, within 30 days of issuing of the Administrative Restrictions letter, detailing any mitigating circumstances as to why the action is not appropriate.

Where a customer is added to the Restricted Access register, Council staff will be notified of the restriction(s) and their duration.

Once implemented, where restrictions are breached or unreasonable behaviour is repeated, consideration can be given to additional or extended application of restrictions. Factors such as the nature of the breach and its impact, the severity of conduct or the number of repeated instances will be considered in making this determination.

Extended restrictions can be implemented for periods of up to 12 months, and may include action outside of or in addition to internal administrative action e.g. police action.

Where appropriate, the General Manager will advise the Office of Local Government, ICAC and NSW Ombudsman of the circumstance and action taken.

7 Review Period

This policy will be reviewed within 12 months of the election of each new Council or more frequently in the event of any legislative changes or change in circumstances.

8 Associated Policies

Council staff will comply with the provisions of the following Council Policies in implementing this policy:

- Access to Information;
- Complaints Handling;
- Customer Experience Principles.

9 Useful Links

- [Tweed Shire Council website](#)
- www.ombo.nsw.gov.au

Version Control:

Version History		
Version #	Summary of changes made	Date changes made
1.1	Re-write to enhance the content and comply with organisational framework for policies.	20/06/2013
1.2	Reviewed and modified existing content. Include information relating to managing external and Customer aggression procedure.	18/12/2017
1.3	Name change from Dealing with Difficult People, document more closely aligned with Ombudsman Guidelines. Inclusion of administrative actions and breaches, and simplified language.	08/11/2018
1.4	Following exhibition period adopted by Council	21/3/2019
1.4	Minor amendments to definitions	29/7/2019
1.5	Reviewed as part of Policies Review and no changes required.	16/6/2022